

110TH CONGRESS  
1ST SESSION

# H. R. 740

To amend title 18, United States Code, to prevent caller ID spoofing, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2007

Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. FORBES, Mr. TIM  
MURPHY of Pennsylvania, Mr. REICHERT, and Mrs. SCHMIDT) introduced  
the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prevent caller  
ID spoofing, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Preventing Harass-  
5       ment through Outbound Number Enforcement (PHONE)  
6       Act of 2007”.

7       **SEC. 2. CALLER ID SPOOFING.**

8       (a) IN GENERAL.—Chapter 47 of title 18, United  
9       States Code, is amended by adding at the end the fol-  
10      lowing:

1 **“§ 1040. Caller ID spoofing**

2 “(a) OFFENSE.—Whoever, in or affecting interstate  
3 or foreign commerce, knowingly uses or provides to an-  
4 other—

5 “(1) false caller ID information with intent to  
6 defraud; or

7 “(2) caller ID information pertaining to an ac-  
8 tual person without that person’s consent and with  
9 intent to deceive the recipient of a call about the  
10 identity of the caller;

11 or attempts or conspires to do so, shall be punished as  
12 provided in subsection (b).

13 “(b) PUNISHMENT.—Whoever violates subsection (a)  
14 shall—

15 “(1) if the offense is committed for commercial  
16 gain, be fined under this title or imprisoned not  
17 more than 5 years, or both; and

18 “(2) be fined under this title or imprisoned not  
19 more than one year, or both, in any other case.

20 “(c) LAW ENFORCEMENT EXCEPTION.—It is a de-  
21 fense to a prosecution for an offense under this section  
22 that the conduct involved was lawfully authorized inves-  
23 tigative, protective, or intelligence activity of a law en-  
24 forcement agency of the United States, a State, or a polit-  
25 ical subdivision of a State, or of an intelligence agency

1 of the United States, or any activity authorized under  
2 chapter 224 of this title.

3 “(d) FORFEITURE.—

4 “(1) IN GENERAL.—The court, in imposing sen-  
5 tence on a person who is convicted of an offense  
6 under this section, shall order that the defendant  
7 forfeit to the United States—

8 “(A) any property, real or personal, consti-  
9 tuting or traceable to gross proceeds obtained  
10 from such offense; and

11 “(B) any equipment, software or other  
12 technology used or intended to be used to com-  
13 mit or to facilitate the commission of such of-  
14 fense.

15 “(2) PROCEDURES.—The procedures set forth  
16 in section 413 of the Controlled Substances Act (21  
17 U.S.C. 853), other than subsection (d) of that sec-  
18 tion, and in Rule 32.2 of the Federal Rules of  
19 Criminal Procedure, shall apply to all stages of a  
20 criminal forfeiture proceeding under this section.

21 “(e) DEFINITIONS.—In this section—

22 “(1) the term ‘caller ID information’ means in-  
23 formation regarding the origination of the telephone  
24 call, such as the name or the telephone number of  
25 the caller;

1 “(2) the term ‘telephone call’ means a call  
2 made using or received on a telecommunications  
3 service or VOIP service;

4 “(3) the term ‘VOIP service’ means a service  
5 that—

6 “(A) provides real-time 2-way voice com-  
7 munications transmitted using Internet Pro-  
8 tocol, or a successor protocol;

9 “(B) is offered to the public, or such class-  
10 es of users as to be effectively available to the  
11 public (whether part of a bundle of services or  
12 separately); and

13 “(C) has the capability to originate traffic  
14 to, or terminate traffic from, the public  
15 switched telephone network or a successor net-  
16 work;

17 “(4) the term ‘State’ includes a State of the  
18 United States, the District of Columbia, and any  
19 commonwealth, territory, or possession of the United  
20 States; and

21 “(5) a term used in a definition in this sub-  
22 section has the meaning given that term in section  
23 3 of the Communications Act of 1934 (47 U.S.C.  
24 153).”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 47 of title 18, United States  
3 Code, is amended by adding at the end the following new  
4 item:

“1040. Caller ID spoofing.”.

5 **SEC. 3. OTHER SPECIFIED UNLAWFUL ACTIVITIES FOR**  
6 **MONEY LAUNDERING.**

7 (a) FRAUD AND RELATED ACTIVITY IN CONNECTION  
8 WITH ELECTRONIC MAIL.—Section 1956(c)(7)(D) of title  
9 18, United States Code, is amended by inserting “section  
10 1037 (Fraud and related activity in connection with elec-  
11 tronic mail),” after “1032”.

12 (b) CALLER ID SPOOFING.—Section 1956(c)(7)(D)  
13 of title 18, United States Code, is amended by inserting  
14 “section 1040 (Caller ID spoofing),” before “section  
15 1111”.

